

SENATE BILL 2047
By Womack

AN ACT to enact the "Tennessee Business Assistance Act of 1996".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The provisions of this act shall be known and may be cited as the "Tennessee Business Assistance Act of 1996".

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Center" means the permit information center operated by the department of economic and community development.

(2) "Commissioner" means the commissioner of the department of economic and community development.

(3) "Permit" means any approval of a regulatory agency required as a condition of operating a business in this state.

(4) "Regulatory agency" means any state agency responsible for granting a permit.

SECTION 3. There is established within the department of economic and community development a permit information center to assist businesses to obtain and comply with permits and requirements necessary to operate in this state.

SECTION 4.

(a) The center shall expedite the process of applying for permits, of reviewing and making determinations on permit applications and of issuing permits as follows:

(1) The center shall discharge its responsibilities in a manner designed to expedite the process.

(2) Upon request by a person applying for a permit and to the extent possible, the center shall resolve misunderstandings between the person and the appropriate regulatory agency and shall prevent or mitigate delays in the process.

(3) If the center determines that it is unable to resolve misunderstandings or prevent or mitigate delays, the center shall request the assistance of the commissioner and the head of the appropriate regulatory agency.

(4) If the center determines that the commissioner and head are unable to resolve misunderstandings or prevent or mitigate delays, the center shall request the assistance of the governor.

(b) The center shall give priority to businesses new to this state and to businesses expanding within this state in providing assistance under this act.

(c) The center shall maintain records identifying each person requesting assistance and setting forth assistance rendered and results achieved.

SECTION 5.

(a) The center shall assist any person requesting information on which permits are required for a particular business activity or on the application process, including criteria applied in making a determination on a permit application and the time period within which a determination will be made. This assistance may include both:

(1) Arranging a meeting between the person and the staff of the appropriate regulatory agency to enable the person to obtain information from the agency.

(2) Obtaining information and permit applications from the regulatory agency and providing the information and appropriate permit applications to the person.

(b) If a person receives assistance under this subsection and applies for a permit and if the person requests, the center shall check periodically on the status of the permit application and report the status of the person.

SECTION 6. The center shall provide advocacy services before regulatory agencies on behalf of permit applicants. These services shall include monitoring the application approval process to ensure that permits are granted in the shortest amount of time possible consistent with the substantive requirements established by rule or law.

SECTION 7.

(a) The center may not charge any person for services provided.

(b) Advice, assistance or information rendered by the center under this act does not relieve any person from the obligation to secure a required permit.

(c) The center shall not be liable for any consequences resulting from the failure to issue or to seek a permit.

SECTION 8.

(a) The center shall maintain and publicize the availability of a toll-free telephone line available to in-state callers to the center.

(b) The center shall seek to explain, promote and publicize its services to the public and shall provide information on its services for inclusion in any public informational material on permits provided by regulatory agencies.

(c) The center shall, in its efforts clearly represent that its services are advisory, informational and facilitative only.

SECTION 9.

(a) Based on the experience of the center in assisting persons and discussions with regulatory agencies, the center shall submit a report containing recommendations for the general assembly, governor, public records commission and the regulatory agencies concerning all of the following:

(1) Improving permit application forms.

(2) Eliminating unnecessary or duplicative permit requirements.

(3) Simplifying the process of applying for permits, of reviewing and making determinations on permit applications and of issuing permits.

(b) Based on the experiences of the center in assisting persons, the center shall prepare information for the general assembly, governor, public records commission and regulatory agencies which shall include all of the following:

(1) The number of persons assisted.

(2) The kinds of assistance provided.

(3) The number of occasions when regulatory agencies exceeded the time period specified by rule or law for reviewing and making determinations on permit applications.

(4) An evaluation of why the regulatory agencies exceeded the time periods and an explanation of how the agencies intend to avoid exceeding the time periods in the future.

SECTION 10. Each regulatory agency shall report to the center on a form prescribed by the center, each and every type of review, approval, and permit administered by the state agency. Application forms, applicable agency rules, and the estimated time period necessary for permit application consideration based on experience and statutory or administrative rule requirements shall accompany each state agency report. Subsequent to the filing of the report, the state agency shall submit reports to the center on any new permit requirement or modifications to existing permit requirements together with applicable forms, rules, and other information required to be filed in the initial report. Upon receipt of those reports, the center shall establish and maintain a comprehensive information file which provides ready access to the most current information as provided by the state agencies.

SECTION 11. Each regulatory agency shall:

(1) Designate a staff person to coordinate regulatory agency cooperation with center staff, provide information to center staff on the permit process and direct center staff to appropriate staff within the regulatory agency.

(2) Cooperate to the extent possible with center staff and respond promptly to requests for assistance in expediting and requests for information on the permit process.

(3) Include material provided by the center in any public informational material on permits it provides.

(4) Maintain responsibility for interpreting the requirements of and granting or denying its permits.

(5) In reviewing a submitted application for a permit, notify the applicant of all reasons the application is incomplete or incorrectly submitted the first time the agency returns the application to the applicant.

SECTION 12. Each regulatory agency shall provide an opportunity for a preapplication meeting with its staff to any person interested in applying for a permit upon request by the person or the center, and shall comply with the following requirements:

(1) The regulatory agency shall conduct preapplication meetings in an informal manner.

(2) In any preapplication meeting, the regulatory agency shall identify all permits required by the regulating agency for a business activity, describe the steps and identify the time period for each step in the permit process and identify potential problems in the process.

(3) The regulatory agency shall invite participation by center staff in preapplication meetings when appropriate.

(4) The regulatory agency shall publicize the availability of preapplication meetings to persons contacting them about permits.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.

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